



State of Utah

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Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

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Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-034-13

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Colleen Delaney, Environmental Scientist

DATE: April 19, 2013

SUBJECT: FINAL ADOPTION: Amend R307-403-1. Purpose and Definitions, R307-403-2. Applicability, and R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; FINAL ADOPTION: New Rule R307-403-10. Analysis of Alternatives and R307-403-11. Actuals PALS; and FINAL ADOPTION: Repeal R307-401-19. Analysis of Alternatives and R307-401-20. Relaxation of Limitations.

On February 6, 2013, the Board proposed changes to Utah's nonattainment area permitting rules to incorporate EPA's New Source Review (NSR) Reform provisions, add PM_{2.5} provisions, and establish VOC as a PM_{2.5} precursor. In addition, several requirements that were specific to nonattainment areas were moved from the general permitting rule to the nonattainment area permitting rule.

A public comment period was held from March 1, 2013, to April 1, 2013. A hearing was not requested for this proposal.

Response to Comments:

One comment letter was received on the proposed changes to R307-420.

1. *Summary of Comment: The proposed reference to the applicability provisions in R307-403 that is contained in R307-420-3(3) is confusing because R307-403 applies to all regulated NSR pollutants. This provision would expand the applicability of R307-403 to other pollutants.*

Response: We agree that the proposed language could be interpreted to apply to regulated pollutants other than VOC and this was not the intent of the revision. The commenter suggested including the relevant provisions in R307-420 with references to ozone precursors rather than referencing the language in R307-403 that is more broadly applicable. We are concerned that this approach would

make the rule more difficult for sources to use. One of the goals of this rulemaking is to have a common methodology for calculating applicability across multiple rules. When the language is repeated instead of referenced, sources may need to do a lengthy comparison of text to determine if there are differences. For this reason, we recommend modifying R307-420-3(3) to read as follows:

The applicability provisions in R307-403-2(1)(a) through (f) and R307-403-2(2) through (7) apply in R307-420 for the limited purpose of determining whether a modification is a major modification for VOC or nitrogen oxides. Emissions of other regulated air pollutants shall not be considered in this determination.

In addition, a change has been made to the definition of "significant" to clearly match the referenced applicability provisions in R307-403-2.

2. *Summary of Comment: Duplicate provisions exist in R307-403-2 by the proposed additional reference contained in R307-403-2(4). This duplication also affects R307-420-3(3).*

Response: We agree that the language in R307-403-2(4) is redundant because the same requirements are included in the definition of major source, and it has been removed. This will eliminate the duplication in R307-420 as well.

Staff Comment: Several typographical errors were identified by a member of the Board and have been corrected in R307-403-2.

Staff Recommendation: Staff recommends the Board adopt R307-403-2 and R307-420 as amended and R307-403-1, R307-403-10, R307-403-1, R307-401-19, and R307-401-20 as proposed.

1 R307. Environmental Quality, Air Quality.

2 R307-403. Permits: New and Modified Sources in Nonattainment
3 Areas and Maintenance Areas.

4 R307-403-1. Purpose and Definitions.

5 (1) Purpose. This rule implements the federal
6 nonattainment area permitting program for major sources as
7 required by 40 CFR 51.165. In addition, the rule contains new
8 source review provisions for some non-major sources in PM10
9 nonattainment areas. This rule supplements, but does not
10 replace, the permitting requirements of R307-401.

11 (2) Unless otherwise specified, all references to 40 CFR
12 in R307-403 shall mean the version that is in effect on July 1,
13 2012.

14 (3) Except as provided in R307-403-1(4), the definitions
15 in 40 CFR 51.165(a)(1) are hereby incorporated by reference.

16 (4)(a) "Reviewing authority" means the director.

17 (b) In the definition of "regulated NSR pollutant" in 40
18 CFR 51.165(a)(1)(xxvii) the following subparagraph is added to
19 51.165(a)(1)(xxvii)(4): "(i) Volatile organic compounds are
20 precursors to PM2.5 and ammonia is not a precursor to PM2.5 in
21 the Logan, Salt Lake City, and Provo PM2.5 nonattainment areas
22 as defined in the July 1, 2010 version of 40 CFR 81.345."

23 (c) The following definitions or portions of definitions
24 that apply to the equipment repair and replacement provisions
25 are not incorporated because these provisions were vacated by
26 the DC Circuit Court of Appeals on March 17, 2006:

27 (i) in the definition of "major modification" in 40 CFR
28 51.165(a)(1)(v)(C), the second sentence in subparagraph (1);

29 (ii) the definition of "process unit" in 40 CFR

30 51.165(a)(1)(xliii);

31 (iii) the definition of "functionally equivalent component"
32 in 40 CFR 51.165(a)(1)(xliv);

33 (iv) the definition of "fixed capital cost" in 40 CFR
34 51.165(a)(1)(xlv); and

35 (v) the definition of "total capital investment" in 40 CFR
36 51.165(a)(1)(xlvi).

37
38 **KEY:** air quality, nonattainment*, offset*

39 **Date of Enactment or Last Substantive Amendment:** May 6, 1999

40 **Notice of Continuation:** June 6, 2012

41 **Authorizing, and Implemented or Interpreted Law:** 19-2-104; 19-2-

42 108

1 R307. Environmental Quality, Air Quality.

2 R307-403. Permits: New and Modified Sources in Nonattainment
3 Areas and Maintenance Areas.

4 R307-403-2. Applicability.

5 (1) R307-403 applies to any new major stationary source or
6 major modification that is major for the pollutant for which the
7 area is designated nonattainment under section 107(d)(1)(A)(i)
8 of the Clean Air Act, if the stationary source or modification
9 would locate anywhere in the designated nonattainment area.

10 (a) Except as otherwise provided in paragraph R307-403-
11 2(2), and consistent with the definition of major modification
12 contained in 40 CFR 51.165(a)(1)(v)(A), a project is a major
13 modification for a regulated NSR pollutant if it causes two
14 types of emissions increases—a significant emissions increase
15 (as defined in 40 CFR 51.165(a)(1)(xxvii)), and a significant
16 net emissions increase (as defined in 40 CFR 51.165(a)(1)(vi)
17 and (x)). The project is not a major modification if it does
18 not cause a significant emissions increase. If the project
19 causes a significant emissions increase, then the project is a
20 major modification only if it also results in a significant net
21 emissions increase.

22 (b) The procedure for calculating (before beginning actual
23 construction) whether a significant emissions increase (i.e.,
24 the first step of the process) will occur depends upon the type
25 of emissions units being modified, according to paragraphs R307-
26 403-2(c) through (e). The procedure for calculating (before
27 beginning actual construction) whether a significant net
28 emissions increase will occur at the major stationary source
29 (i.e., the second step of the process) is contained in the
30 definition in 40 CFR 51.165(a)(1)(vi). Regardless of any such
31 preconstruction projections, a major modification results if the
32 project causes a significant emissions increase and a
33 significant net emissions increase.

34 (c) Actual-to-projected-actual applicability test for
35 projects that only involve existing emissions units. A
36 significant emissions increase of a regulated NSR pollutant is
37 projected to occur if the sum of the difference between the
38 projected actual emissions (as defined in 40 CFR
39 51.165(a)(1)(xxviii)) and the baseline actual emissions (as
40 defined in 40 CFR 51.165(a)(1)(xxxv)(A) and (B), as applicable),
41 for each existing emissions unit, equals or exceeds the
42 significant amount for that pollutant (as defined in 40 CFR
43 51.165(a)(1)(x)).

44 (d) Actual-to-potential test for projects that only involve
45 construction of a new emissions unit(s). A significant
46 emissions increase of a regulated NSR pollutant is projected to
47 occur if the sum of the difference between the potential to emit

(as defined in 40 CFR 51.165(a)(1)(iii)) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in 40 CFR 51.165(a)(1)(xxxv)(C)) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

(e) Reserved.

(f) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in R307-403-2(1)([E]c) through ([D]d) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

(2) For any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with requirements under R307-403-11.

(3) Reserved.

(4) ~~[R307-403 does not apply to any source or modification that would be a major source or major modification only if fugitive emissions to the extent quantifiable are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the categories listed in R307-403-2(4)(a) through (aa).~~

- ~~(a) Coal cleaning plants (with thermal dryers);~~
- ~~(b) Kraft pulp mills;~~
- ~~(c) Portland cement plants;~~
- ~~(d) Primary zinc smelters;~~
- ~~(e) Iron and steel mills;~~
- ~~(f) Primary aluminum ore reduction plants;~~
- ~~(g) Primary copper smelters;~~
- ~~(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;~~
- ~~(i) Hydrofluoric, sulfuric, or citric acid plants;~~
- ~~(j) Petroleum refineries;~~
- ~~(k) Lime plants;~~
- ~~(l) Phosphate rock processing plants;~~
- ~~(m) Coke oven batteries;~~
- ~~(n) Sulfur recovery plants;~~
- ~~(o) Carbon black plants (furnace process);~~
- ~~(p) Primary lead smelters;~~
- ~~(q) Fuel conversion plants;~~
- ~~(r) Sintering plants;~~
- ~~(s) Secondary metal production plants;~~
- ~~(t) Chemical process plants The term chemical processing plant shall not include ethanol production facilities that~~

1 ~~produce ethanol by natural fermentation included in NAICS codes~~
2 ~~325193 or 312140;~~

3 ~~(u) Fossil fuel boilers (or combination thereof) totaling~~
4 ~~more than 250 million British thermal units per hour heat input;~~

5 ~~(v) Petroleum storage and transfer units with a total~~
6 ~~storage capacity exceeding 300,000 barrels;~~

7 ~~(w) Taconite ore processing plants;~~

8 ~~(x) Glass fiber processing plants;~~

9 ~~(y) Charcoal production plants;~~

10 ~~(z) Fossil fuel fired steam electric plants of more than~~
11 ~~250 million British thermal units per hour heat input;~~

12 ~~(aa) Any other stationary source category which, as of~~
13 ~~August 7, 1980, is being regulated under section 111 or 112 of~~
14 ~~the Act.] Reserved.~~

15 (5) (a) Approval to construct shall not relieve any owner or
16 operator of the responsibility to comply fully with applicable
17 provision of the state implementation plan and any other
18 requirements under local, state or federal law.

19 (b) At such time that a particular source or modification
20 becomes a major stationary source or major modification solely
21 by virtue of a relaxation in any enforcement limitation which
22 was established after August 7, 1980, on the capacity of the
23 source or modification otherwise to emit a pollutant, such as a
24 restriction on hours of operation, then the requirements of
25 ~~[regulations approved pursuant to this section]~~ R307-403 shall
26 apply to the source or modification as though construction had
27 not yet commenced on the source or modification;

28 (6) The provisions of R307-403-2(6) (a) through (f) apply
29 to projects at existing emissions units at a major stationary
30 source (other than projects at a source with a PAL) in
31 circumstances where there is a reasonable possibility that a
32 project that is not a part of a major modification may result in
33 a significant emissions increase and the owner or operator
34 elects to use the method specified in paragraphs 40 CFR
35 51.165(a) (1) (xxviii) (B) (1) through (3) for calculating projected
36 actual emissions.

37 (a) Before beginning actual construction of the project,
38 the owner or operator shall document and maintain a record of
39 the following information:

40 (i) A description of the project;

41 (ii) Identification of the emissions unit(s) whose
42 emissions of a regulated NSR pollutant could be affected by the
43 project; and

44 (iii) A description of the applicability test used to
45 determine that the project is not a major modification for any
46 regulated NSR pollutant, including the baseline actual
47 emissions, the projected actual emissions, the amount of

1 emissions excluded under 40 CFR 51.165(a)(1)(xxviii)(B)(3) and
2 an explanation for why such amount was excluded, and any netting
3 calculations, if applicable.

4 (b) If the emissions unit is an existing electric utility
5 steam generating unit, before beginning actual construction, the
6 owner or operator shall provide a copy of the information set
7 out in R307-403-2(6)(a) to the reviewing authority. Nothing in
8 this paragraph shall be construed to require the owner or
9 operator of such a unit to obtain any determination from the
10 reviewing authority before beginning actual construction.

11 (c) The owner or operator shall monitor the emissions of
12 any regulated NSR pollutant that could increase as a result of
13 the project and that is emitted by any emissions units
14 identified in paragraph R307-403-2(6)(a)(ii); and calculate and
15 maintain a record of the annual emissions, in tons per year on a
16 calendar year basis, for a period of 5 years following
17 resumption of regular operations after the change, or for a
18 period of 10 years following resumption of regular operations
19 after the change if the project increases the design capacity or
20 potential to emit of that regulated NSR pollutant at such
21 emissions unit.

22 (d) If the unit is an existing electric utility steam
23 generating unit, the owner or operator shall submit a report to
24 the reviewing authority within 60 days after the end of each
25 year during which records must be generated under paragraph
26 R307-403-2(6)(c) setting out the unit's annual emissions during
27 the year that preceded submission of the report.

28 (e) If the unit is an existing unit other than an electric
29 utility steam generating unit, the owner or operator shall
30 submit a report to the reviewing authority if the annual
31 emissions, in tons per year, from the project identified in
32 paragraph R307-403-2(6)(a), exceed the baseline actual emissions
33 (as documented and maintained pursuant to paragraph R307-403-
34 2(6)(c), by a significant amount (as defined in 40 CFR
35 51.165(a)(1)(x)) for that regulated NSR pollutant, and if such
36 emissions differ from the preconstruction projection as
37 documented and maintained pursuant to paragraph R307-403-2(6)
38 (c). Such report shall be submitted to the reviewing authority
39 within 60 days after the end of such year. The report shall
40 contain the following:

41 (i) The name, address and telephone number of the major
42 stationary source;

43 (ii) The annual emissions as calculated pursuant to
44 paragraph R307-403-2(6)(c); and

45 (iii) Any other information that the owner or operator
46 wishes to include in the report (e.g., an explanation as to why
47 the emissions differ from the preconstruction projection).

1 (f) A "reasonable possibility" under (R307-403-2(6) occurs
2 when the owner or operator calculates the project to result in
3 either:

4 (i) A projected actual emissions increase of at least 50
5 percent of the amount that is a "significant emissions
6 increase," as defined in 40 CFR 51.165(a)(1)(xxvii) (without
7 reference to the amount that is a significant net emissions
8 increase), for the regulated NSR pollutant; or

9 (ii) A projected actual emissions increase that, added to
10 the amount of emissions excluded under 40 CFR
11 51.165(a)(1)(xxviii)(B)(3), sums to at least 50 percent of the
12 amount that is a "significant emissions increase," as defined
13 under paragraph 40 CFR 51.165(a)(1)(xxvii) without reference to
14 the amount that is a significant net emissions increase), for
15 the regulated NSR pollutant. For a project for which a
16 reasonable possibility occurs only within the meaning of this
17 paragraph, and not also within the meaning of paragraph R307-
18 403-2(6)(f)(i), then provisions R307-403-2(6)(b) through (e) do
19 not apply to the project.

20 (7) The owner or operator of the source shall make the
21 information required to be documented and maintained pursuant to
22 paragraph R307-403-2(6) above available for review upon a
23 request for inspection by the director or the general public
24 pursuant to the requirements contained in 40 CFR
25 70.4(b)(3)(viii).

26 (8) The requirements of R307-403 applicable to major
27 stationary sources and major modifications of volatile organic
28 compounds shall apply to nitrogen oxides emissions from major
29 stationary sources and major modifications of nitrogen oxides in
30 an ozone transport region or in any ozone nonattainment area,
31 except in ozone nonattainment areas or in portions of an ozone
32 transport region where the EPA Administrator has granted a
33 nitrogen oxides waiver applying the standards set forth under
34 section 182(f) of the Clean Air Act and the waiver continues to
35 apply.

36 (9) Reserved.

37 (10) The requirements of R307-403 applicable to major
38 stationary sources and major modifications of PM₁₀ shall also
39 apply to major stationary sources and major modifications of PM₁₀
40 precursors, except where the Administrator determines that such
41 sources do not contribute significantly to PM₁₀ levels that
42 exceed the PM₁₀ ambient standards in the area.

43 (11) Reserved.

44 (12) R307-403 applies to any major source or major
45 modification that is located outside a nonattainment area and is
46 major for the pollutant for which the area is designated
47 nonattainment under section 107(d)(1)(A)(i) of the Clean Air Act

1 and that causes the significant increments in R307-403-3(1) to
2 be exceeded in the nonattainment area.

3 (12) R307-403-5 applies to any new or modified source in a
4 PM₁₀ nonattainment area.

5
6 KEY: air quality, nonattainment*, offset*

7 Date of Enactment or Last Substantive Amendment: [May—6,
8 1999]2013

9 Notice of Continuation: June 6, 2012

10 Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-
11 108

1 R307. Environmental Quality, Air Quality.

2 R307-420. Permits: Ozone Offset Requirements in Davis and Salt
3 Lake Counties.

4 R307-420-1. Purpose.

5 The purpose of R307-420 is to maintain the offset provisions
6 of the nonattainment area new source review permitting program in
7 Salt Lake and Davis Counties after the area is redesignated to
8 attainment for ozone. R307-420 also establishes more stringent
9 offset requirements for nitrogen oxides that may be triggered as a
10 contingency measure under the ozone maintenance plan.
11

12 R307-420-2. Definitions.

13 Except as provided in R307-420-2, the definitions in R307-
14 403-1 apply to R307-420.

15 "Major Source" means:

16 (1) (a) any stationary source of air pollutants which emits,
17 or has the potential to emit, fifty tons per year or more of
18 volatile organic compounds; or

19 (b) any stationary source of air pollutants which emits, or
20 has the potential to emit, one hundred tons per year or more of
21 nitrogen oxides; or

22 (c) any physical change that would occur at a source not
23 qualifying under (1) (a) or (b) as a major source, if the change
24 would constitute a major source by itself.

25 (2) The fugitive emissions of a stationary source shall not
26 be included in determining whether it is a major stationary
27 source, unless the source belongs to one of the following
28 categories of stationary sources:

29 (a) Coal cleaning plants (with thermal dryers);

30 (b) Kraft pulp mills;

31 (c) Portland cement plants;

32 (d) Primary zinc smelters;

33 (e) Iron and steel mills;

34 (f) Primary aluminum ore reduction plants;

35 (g) Primary copper smelters;

36 (h) Municipal incinerators capable of charging more than 250
37 tons of refuse per day;

38 (i) Hydrofluoric, sulfuric, or nitric acid plants;

39 (j) Petroleum refineries;

40 (k) Lime plants;

41 (l) Phosphate rock processing plants;

42 (m) Coke oven batteries;

43 (n) Sulfur recovery plants;

44 (o) Carbon black plants (furnace process);

45 (p) Primary lead smelters;

46 (q) Fuel conversion plants;

47 (r) Sintering plants;

- 1 (s) Secondary metal production plants;
2 (t) Chemical process plants;
3 (u) Fossil-fuel boilers (or combination thereof) totaling
4 more than 250 million British Thermal Units per hour heat input;
5 (v) Petroleum storage and transfer units with a total
6 storage capacity exceeding 300,000 barrels;
7 (w) Taconite ore processing plants;
8 (x) Glass fiber processing plants;
9 (y) Charcoal production plants;
10 (z) Fossil fuel-fired steam electric plants of more than 250
11 million British Thermal Units per hour heat input;
12 (aa) Any other stationary source category which, as of
13 August 7, 1980, is being regulated under 42 U.S.C. 7411 or 7412
14 (section 111 or 112 of the federal Clean Air Act).
15 "Significant" means, for the purposes of determining what is
16 a significant emission increase or a significant net emission
17 increase and therefore a major modification, a rate of emissions
18 that would equal or exceed any of the following rates:
19 (1) for volatile organic compounds, 25 tons per year,
20 (2) for nitrogen oxides, 40 tons per year.

21 22 R307-420-3. Applicability.

23 (1) Nitrogen Oxides. Effective August 18, 1997, any new
24 major source or major modification of nitrogen oxides in Davis
25 County or Salt Lake County shall offset the proposed increase in
26 nitrogen oxide emissions by a ratio of 1.15:1 before the director
27 may issue an approval order to construct, modify, or relocate
28 under R307-401.

29 (2) Volatile Organic Compounds. Effective December 2, 1998
30 any new major source or major modification of volatile organic
31 compounds in Davis County or Salt Lake County shall offset the
32 proposed increase in volatile organic compound emissions by a
33 ratio of 1.2:1 before the director may issue an approval order to
34 construct, modify, or relocate under R307-401.

35 (3) The applicability provisions in R307-403-2(1)(a) through
36 (f) and R307-403-2(2) through (7) apply in R307-420 for the
37 limited purpose of determining whether a modification is a major
38 modification for volatile organic compounds or nitrogen oxides.
39 Emissions of other regulated air pollutants shall not be
40 considered in this determination.

41 42 R307-420-4. General Requirements.

43 (1) All emission offsets shall meet the general requirements
44 for calculating and banking emission offsets that are established
45 in R307-403-4, R307-403-7 and R307-403-8.

46 (2) Emission offset credits generated in Davis County or
47 Salt Lake County may be used in either county.

1 (3) Offsets may not be traded between volatile organic
2 compounds and nitrogen oxides.

3
4 **R307-420-5. Contingency Measure: Offsets for Oxides of Nitrogen.**

5 If the nitrogen oxide offset contingency measure described in
6 Section IX, Part D.2.h(3) of the state implementation plan is
7 triggered, the following conditions shall apply in Davis County
8 and Salt Lake County.

9 (1) Paragraph (1)(b) in the term "major source," which is
10 defined in R307-420-2, shall be changed to read: any stationary
11 source of air pollutants which emits, or has the potential to
12 emit, fifty tons per year or more of nitrogen oxides.

13 (2) The nitrogen dioxide level that is included in the term
14 "significant", which is defined in R307-420-2, shall be changed
15 from 40 tons per year to 25 tons per year.

16 (3) The emission offset ratio shall be 1.2:1 for nitrogen
17 oxides.

18
19 **KEY: air pollution, ozone, offset***

20 **Date of Enactment or Last Substantive Amendment: [May—6,**
21 **1999]2013**

22 **Notice of Continuation: June 6, 2012**

23 **Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-**
24 **108**

1 R307. Environmental Quality, Air Quality.

2 R307-403. Permits: New and Modified Sources in Nonattainment
3 Areas and Maintenance Areas.

4 R307-403-10. Analysis of Alternatives.

5 The owner or operator of a major new source or major
6 modification to be located in a nonattainment area or which would
7 impact a nonattainment area must, in addition to the requirements
8 in R307-403, submit with the notice of intent an adequate analysis
9 of alternative sites, sizes, production processes, and
10 environmental control techniques for such proposed source which
11 demonstrates the benefits of the proposed source significantly
12 outweigh the environmental and social costs imposed as a result of
13 its location, construction, or modification. The director shall
14 review the analysis. The analysis and the director's comments
15 shall be subject to public comment as required by R307-401-7. The
16 preceding shall also apply in Salt Lake and Davis Counties for new
17 major sources or modifications which are considered major for
18 precursors of ozone, including volatile organic compounds and
19 nitrogen oxides.
20

21 KEY: air quality, nonattainment*, offset*

22 Date of Enactment or Last Substantive Amendment: [May—6,
23 1999] 2011

24 Notice of Continuation: June 6, 2012

25 Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-
26 108
27
28

29 R307. Environmental Quality, Air Quality.

30 R307-403. Permits: New and Modified Sources in Nonattainment
31 Areas and Maintenance Areas.

32 R307-403-11. Actuals PALS.

33 The provisions of 40 CFR 51.165(f)(1) through (14) are hereby
34 incorporated by reference.
35

36 KEY: air quality, nonattainment*, offset*

37 Date of Enactment or Last Substantive Amendment: [May—6,
38 1999] 2013

39 Notice of Continuation: June 6, 2012

40 Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-
41 108

1 R307. Environmental Quality, Air Quality.

2 R307-401. Permit: New and Modified Sources.

3 ~~[R307-401-19. Analysis of Alternatives.~~

4 ~~The owner or operator of a major new source or major~~
5 ~~modification to be located in a nonattainment or maintenance area~~
6 ~~or which would impact a nonattainment or maintenance area must, in~~
7 ~~addition to the requirements in R307-401, submit with the notice~~
8 ~~of intent an adequate analysis of alternative sites, sizes,~~
9 ~~production processes, and environmental control techniques for~~
10 ~~such proposed source which demonstrates that benefits of the~~
11 ~~proposed source significantly outweigh the environmental and~~
12 ~~social costs imposed as a result of its location, construction, or~~
13 ~~modification. The director shall review the analysis. The~~
14 ~~analysis and the director's comments shall be subject to public~~
15 ~~comment as required by R307-401-7. The preceding shall also apply~~
16 ~~in Salt Lake and Davis Counties for new major sources or~~
17 ~~modifications which are considered major for precursors of ozone,~~
18 ~~including volatile organic compounds and nitrogen oxides.]~~

19
20 ~~[R307-401-20. Relaxation of Limitations.~~

21 ~~At a time that a source or modification to be located in a~~
22 ~~nonattainment or maintenance area or which would impact a~~
23 ~~nonattainment or maintenance area becomes a major source or major~~
24 ~~modification because of a relaxation of any enforceable limitation~~
25 ~~which was established after August 7, 1980, on the capacity of a~~
26 ~~source or modification otherwise to emit a pollutant, such as a~~
27 ~~restriction on the hours of operation, then the preconstruction~~
28 ~~requirements shall apply to the source as though construction had~~
29 ~~not yet commenced on the source or modification.]~~

30
31 KEY: air pollution, permits, approval orders, greenhouse gases

32 Date of Enactment or Last Substantive Amendment: [January 1,
33 2011] 2013

34 Notice of Continuation: June 6, 2012

35 Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(g);
36 19-2-108